

REMARKS**Overview**

This amendment accompanies a filing of a Request for Continued Examination (RCE). Claims 1-7 are pending in this application. Claims 1 and 6 have been amended. The present response is an earnest effort to place the application in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Issues Under 35 U.S.C. § 102(b)

Claims 1-2 and 6-7 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 4,939,726 to Flammer et al. Claim 1 has been amended to make clear what is intended to be claimed. As the Examiner recognizes, the invention of the instant application and that of the prior art are drawn to different inventions. It is hoped that this amendment will clarify what is intended to be claimed and clarify the differences with Flammer.

In Flammer, each node is uniquely identified by absolute geographical coordinates or code indicating absolute location (Abstract). As shown best in Figure 2 of Flammer, each of Flammer's packets contains a uniquely identified absolute geographical coordinate or code (column 2, lines 55-62). Thus, the methodology of Flammer provides for receiving data at each node. At this point it is determined whether the data is intended for the current node. If not, an algorithm calculating the varying distance to the ultimate destination based on the geographic coordinate of the destination and the geographic coordinate of the local node is computed.

One of the most significant differences between Flammer and the invention of claim 1 is that Flammer's methodology is based on each node in the packet communication network having a uniquely identified absolute geographical coordinate or code indicating absolute location

(column 2, lines 55-62). According to claim 1, data is routed between a first device and a second device. The language of claim 1 has been amended to make clear that the transmission path is "between the first device and the second device's home network server". Also, the language concerning the request has been changed to "sending a request from the first device for the second device geographic position to the home network server". In addition, it has been made clear that it is the first device that receives the second device geographic position and that the data and the second device geographic position is transmitted from the first device. It is believed that this amendment further clarifies differences with Flammer and therefore the rejections to claim 1 should be withdrawn.

Claim 1 has also been amended to clarify that position of the second device is "periodically updated as location of the second device changes." Support for this amendment is clear at least from paragraph 29 of the original Specification. Flammer does not take into account changing geographic location. Thus, this rejection should be withdrawn for this independent reason as well.

As claims 2, 6 and 7 depend from claim 1, it is respectfully submitted that these rejections should be withdrawn on that basis as well.

There is also an independent reason for the allowability of claim 6. Flammer does not disclose supplementing the second device's geographic position with a device identifier. To clarify that the device identifier is not the same as the second device's geographic position, claim 6 has been amended to require "and wherein the device identifier identifies the second device in a manner independent from the geographic position of the second device." Thus, claim 6 would, for example, allow two devices at the same geographic position to be independently identified. Flammer's WANDA address is not such a device identifier but rather an address that is expressed

in geographic coordinates. Flammer makes clear that it assumes that the WAN addresses are all unique (different locations) (col. 6, lines 15-22). Thus this rejection to claim 6 must be withdrawn on this basis as well.

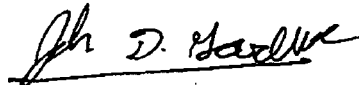
Issues Under 35 U.S.C. § 103

Claims 3-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 4,939,726 to Flammer et al. in view of U. S. Patent No. 5,729,549 to Kostreski et al. Claim 1 has been amended. As claims 3-5 depend from claim 1, these rejections are now moot as Kostreski does not remedy the deficiencies of Flammer.

Conclusion

This amendment accompanies filing a Request for Continued Examination (RCE). Please charge Deposit Account No. 26-0084 the amount of \$395.00. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,



JOHN D. GOODHUE, Reg. No. 47,603
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 22885

Attorneys of Record

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